

EXHIBIT 1

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

AVR GROUP, LLC; TRIDENT ASSET
MANAGEMENT, INC.; and MICHAEL
DZIURGOT, individually and on behalf of
a putative class,

Plaintiffs,

vs.

Case No. 1:24-cv-20755

ALEBRIJE ENTERTAINMENT, LLC;
CRAIG COLE; MATTHEW COLE;
GUSTAVO MONTAUDON; and JOHN
DOE NOS. 1–10,

Defendants.

DECLARATION IN SUPPORT OF DEFENDANT’S MOTION TO DISMISS

1. I am over the age of 18 and am competent to make this declaration. Unless otherwise stated, the facts set forth herein are based on my personal knowledge.

2. I am a resident of Bend, Oregon.

3. I have never been a resident of Florida, have never been employed in Florida, have never routinely traveled to Florida, have never done business in Florida, have never had an office or agency in Florida, nor have I ever owned assets in Florida.

4. I am not, and have never been, a member, manager, or employee of 1inMM Capital, LLC (“1inMM”), which to the best of my knowledge is a California corporation.

5. I am not, and have never been, a member, manager, or employee of SAC Advisory Group, LLC (“SAC Advisory”).

6. I am not, and have never been, a member, manager, or employee of JJMT Capital, LLC (“JJMT Capital”).

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7. I am not, and have never been, a member, manager, or employee of One Key Entertainment, LLC.

8. Hyped Productions, LLC and Doppler App, LLC are not Florida corporations and, to my knowledge, neither solicited or transacted business in Florida and neither had anything to do with 1inMM.

9. I am not, and have never been, a member, manager, or employee of Alebrije Entertainment, LLC (“Alebrije”).

10. I have never met Gustavo Montaudon and have never had a direct conversation him nor any representative of Alebrije.

11. To my knowledge, I have never had any direct contacts or interactions with any named Plaintiffs in this lawsuit (nor any of their representatives or agents), including AVR Group, LLC, Trident Asset Management, Inc., and Michael Dziurgot.

12. I am the sole member of Fathom Features, LLC (“Fathom Features”), a California corporation. Fathom Features has never solicited or conducted business in Florida, and has no offices, members, managers, employees, or bank accounts in Florida.

13. To the best of my knowledge, I have never contacted any person or entity in Florida, never transacted business in Florida, never solicited investments from Florida, and never traveled to Florida in furtherance of any of Zachary Horwitz (“Horwitz”)’s business ventures, including 1inMM.

14. Although 1inMM had many investors, I am not aware of a single investor from Florida and to my knowledge I have never contacted, transacted with, or done business with a Florida 1inMM investor.

15. To the best of my knowledge, I (including any entities in which I have an interest)

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(e.g., SAC Advisory), and their investor base.

16. I never received commissions from SAC Advisory or JMTT for investments that they raised from third-party investors for the linMM opportunity.

17. I was never a signatory on linMM's bank accounts and, to my knowledge, never had access to any of its bank accounts.

18. I am a victim of Horwitz's criminal conduct; I originally invested approximately \$100,000 into his scheme and lost that original, principal investment. I continuously reinvested into the scheme other income, as well as purported investment returns from linMM, and lost those monies as well. My parents and parents-in-law, at my recommendation, also invested in his scheme and lost their life savings and entire retirement savings.

19. In or around June 2023, I had a major stroke. Further testing resulted in a diagnosis for blood cancer and as well as a heart defect.

20. I am currently undergoing intensive treatment at the Saint Charles Cancer Center in Bend, Oregon, for blood cancer, including weekly chemotherapy sessions and other blood treatments.

21. My heart defect requires heart surgery.

22. I do not have any doctors, access to medical care, or family support, in Florida.

Under penalties of perjury, I declare that I have read the foregoing document and that the facts stated herein are true to the best of my knowledge.

Signed: May 6, 2024

By: 

Craig Cole

OREGON NOTARY ACKNOWLEDGMENT

State of Oregon.

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County of Deschutes.

This record was acknowledged before me on (date) 05/06/2024

by (name(s) of individual(s)) Craig Cole.

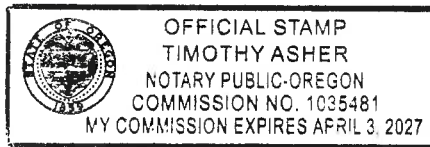
Timothy Asher

Signature of Notarial Officer

Title of Office Notary Public

My commission expires: 04/03/2027

Stamp :



Document Description

This certificate is attached to page 4 of an affidavit (DECLARATION IN SUPPORT OF DEFENDANT'S MOTION TO DISMISS), dated May 6, 2024, consisting of 3 pages (4 pages total including this certification).